

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference 105,650 McK
Technology Center 1600

AMGEN, INC.
(Inventors: Anthony J. Polverino and Roland Luethy),
Patent 7,329,729 B1,
Junior Party,

v.

GENENTECH, INC.
(Inventors: Audrey Goddard, Paul J. Godowski, Austin L. Gurney,
Victoria Smith, Colin K. Watanabe and William I. Wood),
Application 10/143,114,
Senior Party.

*Before: FRED E. McKELVEY, Senior Administrative Patent Judge, and
RICHARD E. SCHAFER and SALLY GARDNER LANE, Administrative
Patent Judges.*

McKELVEY, Senior Administrative Patent Judge.

JUDGMENT

Upon consideration of the SUBMISSION PURSUANT TO 37 C.F.R.
§ 41.127(b) (Paper 38) and an Express Abandonment of the Genentech
application involved in the interference (both filed by Genentech), it is
ORDERED that judgment on priority as to Count 1 (the sole
count in the interference; Paper 1, page 6) is awarded against Senior Party

1 Genentech, Inc. (real party in interest) and inventors Audrey Goddard, Paul
2 J. Godowski, Austin L. Gurney, Victoria Smith, Colin K. Watanabe and
3 William I. Wood.

4 FURTHER ORDERED that Genentech, Inc. (real party in
5 interest) and inventors Audrey Goddard, Paul J. Godowski, Austin L.
6 Gurney, Victoria Smith, Colin K. Watanabe and William I. Wood are not
7 entitled to a patent containing claims 77-78 and 82-84 (corresponding to
8 Count 1) of:

9 application 10/143,114
10 filed 09 May 2002

11 FURTHER ORDERED that claims 77-78 and 82-84 of
12 application 10/143,114 are finally refused. 35 U.S.C. § 135(a).

13 FURTHER ORDERED that if there is a settlement agreement,
14 attention is directed to 35 U.S.C. § 135(c).

15 FURTHER ORDERED that a copy of this JUDGMENT shall
16 be placed in the files of (1) U.S. Patent 7,329,729 B1 and (2) application
17 10/143,114.

18 FURTHER ORDERED that the Clerk is directed to distribute
19 the files upon entry of this JUDGMENT.

1 (via electronic mail):

2
3 Attorney for Amgen, Inc.:

4
5 Jerry D. Voight, Esq.

6 Wesley B. Derrick, Esq.

7 FINNEGAN, HENDERSON, FARABOW, GARRET & DUNNER, LLP

8 3300 Hillview Avenue

9 Palo Alto, CA 94304

10
11 Tel: 650-849-6630

12 Fax: 650-849-6666

13 Email: jerry.voight@finnegan.com

14 Email: Wesley.derrick@finnegan.com

15
16 Attorney for Genentech, Inc.:

17
18 Patrick A. Doody, Esq.

19 Goodwin Procter LLP

20 901 New York Avenue, N.W.

21 Washington, D.C. 20001

22
23 Ginger R. Dreger, Esq.

24 Goodwin Procter LLP

25 135 Commonwealth Drive

26 Menlo Park, CA 94025

27
28 Tel: 202-346-4128 (Doody)

29 Tel: 650-752-3174 (Dreger)

30 Fax: 202-346-4444 (Doody)

31 Fax: 650-853-1038 (Dreger)

32 Email: pdoody@goodwinprocter.com

33 Email: gdreger@goodwinprocter.com